

United States District Court

FILED

SOUTHERN

DISTRICT OF

OHIO

06 AUG 21 PM 3:29

UNITED STATES OF AMERICA
V.

ROBERT E. HENRY

(Name and Address of Defendant)

SHARON L. OVINGTON
UNITED STATES
MAGISTRATE JUDGE

CRIMINAL COMPLAINT

CASE NUMBER: 3 : 06 mj 0195

SHARON L. OVINGTON

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 23, 2006 in Montgomery county, in the Southern District of Ohio defendant(s) did, (Track Statutory Language of Offense)

SEE ATTACHMENT A

in violation of Title 18 United States Code, Section(s) 922 (g) (1)I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHMENT B

Continued on the attached sheet and made a part hereof: Yes No

Signature of Complainant

ATTACHMENT A

COUNT 1
(Felon in Possession of Ammunition)

On or about July 23, 2006, in the Southern District of Ohio, the defendant **ROBERT E. HENRY**, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in commerce, and affecting commerce, ammunition, to wit: seven loose rounds of 20 gauge ammunition, two boxes containing 10 rounds of buckshot and fifty rounds of Winchester .45 caliber ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

AFFIDAVIT IN SUPPORT OF COMPLAINT

1. I, John S. Tilton, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been so employed for more than fifteen years. As a Special Agent with ATF, my responsibilities include the enforcement of Federal firearms laws.
2. This affidavit is being submitted in support of a complaint regarding violations of Federal firearms laws by Robert Eugene HENRY, Jr. in the Southern Judicial District of Ohio.
3. Dayton Police Department (DPD), Trotwood Police Department (TPD), Montgomery County Adult Probation Officers, the ATF and other agencies participated in an investigative operation that identified individuals committing firearms violations at the Bill Goodman Gun and Knife Show at the Hara Arena.
4. On 07/23/06, at about 1600 hours, DPD Detective Tim Bilinski and Probation Officer (PO) Michelle Hoke were situated in the parking lot area of the gun show. They observed a Silver car, Ohio license #DNZ6473, pull up to the front door area of the gun show. The driver was Robert E. HENRY, Jr. who is on probation under the supervision of PO Hoke. HENRY, Jr. was convicted in Montgomery County Common Pleas Court Case Number 2004 CR 00397 of "Burglary (Occupied Structure) (F3)". He was sentenced to five years of community control.
5. HENRY Jr. got out of the vehicle and entered the gun show. His father, HENRY, SR. drove the vehicle away. Detective Bilinski advised crews inside the show about HENRY Jr.'s arrival and status.
6. A short time later, Robert E. HENRY, Jr left the gun show. He met with his father HENRY, Sr. at the car. HENRY, Jr. placed a black handgun into the trunk and a white bag inside the car.
7. HENRY, Jr. drove the vehicle away from the gun show eventually turning into a small store at the corner of Wolfe & Salem. HENRY, Jr. was followed by police. Investigators noted that HENRY, Jr. appeared to notice a marked police car in the area before he entered the store. When HENRY, Jr. exited the store, he walked to the road and looked up and down the road apparently looking for the police car.
8. HENRY, Jr. walked back towards his car. When he saw a Montgomery County Sheriff's Officer's car, he walked past his own vehicle and reentered the store. Shortly after this, TPD Officer Moeggenberg approached the vehicle and HENRY, Jr. was asked to come back out of the store.
9. Pursuant to the search provisions contained in HENRY, Jr's conditions of probation, the Officers searched the vehicle. In the trunk they located a Hi-Point model JH caliber

.45 semiautomatic pistol serial number 340893. They also found a bag containing seven loose rounds of 20 gauge ammunition and two boxes containing ten rounds of buckshot.

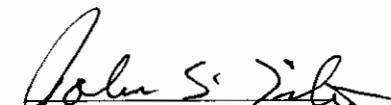
10. In the car, behind the driver's seat, the Officers found a white bag containing a box which contained fifty rounds of Winchester .45 caliber ammunition.

11. Chris Monturo, a firearms/tool mark examiner for the Miami Valley Regional Crime Laboratory (MVRCL) examined the gun and found it to be in good working condition. He test fired the gun and found it to be operable.

12. Since Hi-Point firearms are manufactured in the State of Ohio, the firearm was traced to ascertain whether it had ever traveled in or affected interstate commerce. The National Tracing Center advised that it had no information that the firearm ever left Ohio.

13. On 09/16/06, ATF Special Agent Dennis Bennett, an expert regarding interstate nexus, advised your affiant that the Winchester .45 caliber ammunition was not manufactured in Ohio. Therefore it had to travel in or affect interstate commerce to be recovered in the State of Ohio.

14. Given the circumstances detailed above, your affiant believes that Robert Eugene HENRY, Jr unlawfully possessed ammunition after having been convicted of a felony in violation of Title 18 U.S.C. 922(g)(1).



John S. Tilton
Special Agent ATF
Dayton, OH

Subscribed and sworn to before me this 21st day of August, 2006.

